

REMARKS

This application has been reviewed in light of the final Office Action dated November 1, 2006 and the Advisory Action dated February 7, 2007, in connection with the above-identified application. Claims 23-41 were pending. By this Amendment, claim 41 has been canceled, without prejudice or disclaimer, and claims 42 and 43 have been added. Accordingly Claims 23-40, 42 and 43 are now pending, with claims 23, 24, 30, 36, 42 and 43 being in independent form.

Claims 23-41 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,124,099 to Mesaros.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 23, 24, 30, 36, 42 and 43 are patentable over the cited art, for at least the following reasons.

The cited art does not teach or suggest comparing the quantity of an initial order to a minimum quantity, and if the quantity of the initial order meets or exceeds a minimum quantity, displaying promotion information describing at least one promotion functionally related at least to the quantity, and if the quantity of the initial order is less than the minimum quantity, processing the initial order and displaying no promotion information. Each of independent claims 23, 24, 30, 36 and 41 of the present application addresses these features, as well as additional features.

Mesaros, as understood by Applicant, proposes an electronic forum (also referenced as "deal room") wherein a seller initially establishes a volume pricing structure for a product. The pricing structure is displayed in a product information sheet for viewing by registered buyers, as shown in Mesaros, Fig. 13, repeated below.

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PRODUCT INFORMATION SHEET

Description of Product:
Minimum order Quantity:
Total Quantity of Products Available:
Desired Start Time & Date:
Desired End Time & Date:

Desired Pricing Scheme:

Total Products Ordered	Price/Product
0-100	\$100
101-200	\$90
201-300	\$80
301-400	\$70
401-500	\$60

Fig. 13

This price structure is displayed to prospective buyers, before an initial offer is made by the buyer. Contrary to the contention in the Office Action, Mesaros, Fig. 13 does not teach or suggest comparing the initial order to a minimum quantity. Indeed, Fig. 13 does not show a minimum quantity at all (unless 0 is considered by the Examiner to be a minimum quantity; but no order would be placed if the quantity is 0).

Display of the pricing scheme in Mesaros is not contingent on placement of an initial order by the buyer. While Mesaros proposes an approach in which the product information sheet is displayed to the buyers in a deal room from the beginning of the open session and presentation of the displayed product information sheet is not contingent on the buyer placing an initial order above a minimum quantity, independent claims 23, 24, 30, 36 and 41 of the present application provide for comparing the quantity of an initial order to a minimum quantity, and if the quantity of the initial order meets or exceeds a minimum quantity, displaying promotion information

describing at least one promotion functionally related at least to the quantity, and if the quantity of the initial order is less than the minimum quantity, processing the initial order and displaying no promotion information.

In each instance in Mesaros, no promotional information is displayed after the buyer places an initial order. Under the approach proposed in Mesaros, a buyer obtains a final per unit purchase price (that is equal to or lower than the per unit price based on the buyer's unit alone) depending on the total quantity collectively ordered by all buyers during the pre-established time period. Thus, a buyer who places an order early in the open session can obtain a gradually lower price, without taking any additional action.

Mesaros, Fig. 14a shows a volume costing methodology wherein a maximum quantity of a product are available in a deal room. That is, when the sum of the orders by buyers for the product is near the maximum quantity, a prospective buyer is informed of the remaining quantity available (that is, the difference between the maximum quantity and the sum of all current orders).

The February 7, 2007 Advisory Action also references steps 525 and 530 in Fig. 14a.

Mesaros, column 11, lines 15-37, states as follows regarding steps 520 through 540:

... In step 520 the processor 100 determines if the order placed by the buyer meets the minimum order quantity as set by the seller 20 in step 460 (FIG. 9) above. If the minimum order quantity has not been met, the processor 100 proceeds to step 525. In step 525, the processor 100 informs the buyer 15 that the minimum purchase requirement has not been met and requests the buyer 15 to enter a new order quantity if desired. If in step 530 the minimum purchase requirement has been met, the processor proceeds to step 530. In step 530 the processor 100 determines if the new order placed by the buyer 15 would bring the total quantity over the maximum quantity set by the seller in step 460 (FIG. 9) above. If the new order would bring the total quantity over the maximum quantity, the processor 100 proceeds to step 535 where the processor 100 informs the buyer 15 of the total products remaining for sale and requests the buyer 15 to enter a new order quantity if desired. Following steps 525 and 535, the processor 100 proceeds to step 540 where the processor 100

determines if the buyer has entered a new quantity. If a new quantity is not entered, the processor 100 ends the order processing for the buyer 15. If, however, a new order quantity is entered, the processor 100 returns to step 520.

Thus, in the methodology proposed by Mesaros, including steps 520 and 525, if the order by the buyer does not meet the minimum purchase requirement, the order is not accepted. Mesaros does not teach or suggest that whether a promotion is displayed is contingent on a result of comparing the order by the buyer to the minimum purchase requirement.

In contrast, the claimed subject matter of the present application provides for (i) comparing the quantity of an initial order to a minimum quantity, and (ii) if the quantity of the initial order meets or exceeds a minimum quantity, displaying promotion information describing at least one promotion functionally related at least to the quantity, and (iii) if the quantity of the initial order is less than the minimum quantity, processing the initial order and displaying no promotion information. Mesaros simply does not teach or suggest such features.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 23, 24, 30, 36 and 41, and the claims depending therefrom, are patentable over the cited art.

Mesaros also fails to teach or suggest that if the specified quantity of the specified product is in a second range higher than the first range, to deliver to the customer side display, information indicative of at least a second promotion that is different from the first promotion.

The Examiner cited Figure 4 of Mesaros as allegedly disclosing the above-mentioned feature of claim 25 of the present application.

Figure 4 of Mesaros illustrates two time instances, t1 and t2, both falling within the open session time period, in which two buyers, Buyer A and Buyer B make purchases. In Figure 4 label 188, Buyer A at time t1 is provided information regarding the current price per product of

the offered product in the deal room. This current price per product offered at time t1 is a function of the total products purchased as of time t1. A lower price per product becomes available to all buyers if a purchase by Buyer A at time t1 and/or Buyer B at time t2 places the total quantity purchased in a higher range set by the seller's price schedule.

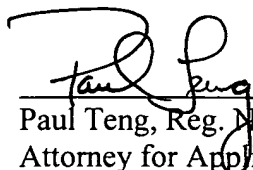
Figure 4 does not teach or suggest a method where a buyer is prompted with a first promotion or a second promotion. Under the volume pricing scheme of Mesaros, a buyer realizes a final purchase price (that may be equal or lower than the purchase price available at the time of his order) depending on the total quantity collectively ordered by all buyers. Mesaros does not teach or suggest delivering to any particular buyer different promotion offers depending on whether the initial specified quantity by that buyer falls within a first range or a second range.

For the reasons set forth hereinabove, Applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this response and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

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